

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>DAVID J. ROSS,</b> <b>Plaintiff,</b>  <b>v.</b>  <b>THE HONORABLE JUDGE YOUNG,</b> <b>Defendant.</b>	<b>CIVIL ACTION NO. 02-4735</b>
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**ORDER**

**AND NOW**, this 19<sup>th</sup> day of July, 2002, upon consideration of plaintiff's Motion to Proceed In Forma Pauperis (doc. 1), it is hereby **ORDERED** that said motion is **GRANTED** and the complaint is **DISMISSED** as frivolous.

The complaint alleges wrongdoing by a presiding judge during a court hearing, and names the judge as the sole defendant. However, judicial immunity provides immunity from suit, and is overcome only where the alleged wrongdoing involves either actions not taken in the judge's judicial capacity or actions taken in the complete absence of all jurisdiction. See Mireles v. Waco, 502 U.S. 9, 11 (1991). The complaint does not allege the existence of either of these circumstances.

**BY THE COURT:**

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**MARVIN KATZ, S.J.**